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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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TM02/0726

EXAMINER

PATEL, J.

ART UNIT

PAPER NUMBER

2164

DATE MAILED:

07/26/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.

09/426,573

Applicant(s)

Fisher et al.

Examiner

Jagdish Patel

Art Unit

2164



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 25, 1999
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-24 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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DETAILED ACTION

1. Claims 15-24 are pending and have been examined.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 15-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 15 and 20 recite in preamble "In a computer network enabling communication between a plurality of computers,...". However, the elements of the claimed system do not provide any reference to or any utility of the computer network and/or a plurality of (two or more) computers.

Dependent claims 16-19 and 21-24 inherit deficiency of their parent claims.

5. Claims 15-24 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are:

Independent claims 15 and 20 recite means for or step of "creating a record in response to a commerce-related event". The claims fail to correlate this limitation (i.e. record creating means

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of claim 15 or a record created by the method step of claim 20) with any other limitation rendering the claims incomplete.

Dependent claims 16-19 and 21-24 inherit deficiency of their parent claims.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (US Pat. 5,960,408) above, and further in view of Shavit et al (US Pat. 4,799,156).

Martin teaches a order tracking and reporting system. Although, Martin fails to explicitly teach that such a system in framework of a computer network enabling communication between a plurality of computers Martin system does provide an update processing and transmission system (Fig. 1 and col. 2 L 21-26), the system comprising:

record creation means, for creating a record in response to a commerce related event (col. 3 L 34-42, step 16 "customer order entry for a particular customer", inherently, the customer order entry is created in response to a customer's request for a shipping information);

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status information retrieval means for retrieving status information about the commerce-related event (refer to step 28 , is a means to obtain "actual delivery dates for shipment" based on ship dates as obtained from supplier's own records..);

message generation means for generating a status message reflective of the status information (step 30 "on-time product delivery statistics for individual customers", col. 4 L 61-col. 5 L 5);

Martin fails to teach that the order tracking and reporting system comprises a message forwarding means as claimed. Shavit, however, in the same field of endeavor teaches a computer network enabling communication between a plurality of computers (on-line interactive concurrent electronic access to various members of an industry..", Fig. 1 and 2 the network comprises a first computer a buyer's remote terminal 82, and a second computer 50). Shavit teaches a message forwarding means for forwarding a status to a point where it may be accessed by an interested party (col. 14 L 10-27, message is a "shipment notification" sent to a customer or buyer 82).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the Martin system on a computer network enabling it to communicate with a plurality of computers and incorporate a message forwarding means for forwarding the status message as generated by the message generation means in Martin system. Motivation for this modification of Martin system would allow it to communicate to a individual customer or any other party who can access the status message in order that the interested party may use the message to make business decisions regarding purchasing, planning and product manufacturing based on the shipment status message.

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Claim 16: status information relates to shipment of an item specified within said record (Martin, col. 5 L 6-33).

Claim 17-18 : Martin teaches that the status information retrieved by the status retrieval means is contained on a second computer (that is the computer system of the Martin invention) and as discussed in combination of Martin and Shavit inventions the second computer is remote from the first computer identified as user or buyer (alternatively identified as customer in Martin reference). Although, the arrangement of the storage of record is matter of a system designer's choice based on such factors as allowing the second computer managing order tracking and reporting to maintain and update the customer order base on preselected delivery criteria (col. 1 L 33-63). Martin still requires an order data from a customer, (refer to col. 3 L 62-64, customer's requested delivery dates) i.e. inherently requiring the first computer (that is the customer's computer 82 as in Shavit to enter and inherently store a record of the order).

Claim 19: status database for separately storing status information for separately storing status information about the record (this limitation is discussed in col. 5 L 1-4, "reports are generated periodically, for each customer").

Claims 20-24 are method claims correspond to the system claims 15-19 respectively and are accordingly analyzed in claims 15-19.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Kehnemuyi et al. US-PAT-NO: 4975841 disclose a method and an apparatus are provided for automatically contacting customers and reporting customer order status data.

Brigida et al. US-PAT-NO: 5313051 teach a portable paperless parcel tracking system.

Asthana et al. US-PAT-NO: 5265006 disclose a demand scheduled partial carrier load planning system for the transportation industry.

Huang et al. US-PAT-NO: 6151582 teach a decision support system for managing an agile supply chain including a server side and a client side.

PR Newswire article "FEDEX SHIP DELIVERS SHIPPING TO THE DESKTOP" teaches a Windows (TM) based shipping system that tracks status of customer orders.

News release article "BEYOND-SEARCH: NEW SYSTEM FOR ONLINE PRODUCT CATALOGS..." teaches a general state of art for web based catalogs and is considered article of relevance.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 308-7837. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-5397.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.
JNP 7/17/01



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